

9/13/2016

123-O-16

AN ORDINANCE

**Granting a Special Use Permit for a Type 2 Restaurant
Located at 618½ Church Street in the D3 Downtown Core
Development Zoning District ("Viet Nom Nom")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on September 6, 2016, pursuant to proper notice, to consider case no. 16ZMJV-0069, an application filed by Noah Bleicher (the "Applicant"), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 618½ Church Street (the "Subject Property") and located in the D3 Downtown Core Development District, for a Special Use Permit to establish, pursuant to Subsection 6-11-4-3 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), a Type 2 Restaurant, "Viet Nom Nom," on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a Type 2 Restaurant met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 26, 2016, the Planning and Development Committee of the City Council ("P&D Committee") considered the ZBA's record and findings and recommended the City Council accept the ZBA's recommendation and approve the application in case no. 16ZMJV-0069; and

WHEREAS, at its meeting of September 26, 2016, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit for a Type 2 Restaurant on the Subject Property as applied for in case no. 16ZMJV-0069.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. **Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. **Hours of Operation:** The Applicant shall operate the Type 2 Restaurant authorized by this ordinance only between the hours of 6:00 a.m. and Midnight on any given day.
- C. **Employee Parking:** Employees may not utilize on-street parking during the hours of operation.
- D. **Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

SECTION 4: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 26 2016

Adopted: September 26 2016

Approved:

October 3, 2016

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

SUB LOTS 1 AND 2 (EXCEPT THE SOUTH 15 FEET THEREOF DEDICATED AS A PUBLIC ALLEY), SUB LOTS 3, 4, AND 5, INCLUSIVE, IN THE RESUBDIVISION OF LOTS 2 AND 3 IN BLOCK 19 OF ORIGINAL VILLAGE (NOW CITY) OF EVANSTON, ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, STATE OF ILLINOIS, IN THE BOOK OF PLATS No. 85, PAGE 41, AS DOCUMENT 52838, INCLUDING ALSO THE 15 FOOT STRIP IMMEDIATELY WEST AND ADJACENT TO SAID SUB LOT 2 (EXCEPT THE SOUTH 15 FEET THEREOF) VACATED AS AN ALLEY BY ORDINANCE OF THE CITY COUNCIL OF EVANSTON, APPROVED JUNE 27, 1928, RECORDED JULY 2, 1928 AS DOCUMENT 10074866, ALL IN THE SW ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 11-18-306-028-0000

COMMONLY KNOWN As: 618½ Church Street, Evanston, Illinois.